

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
ROBERTA A. DeANGELIS  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

	:	
In re:	:	Chapter 7
	:	
Joseph R. and Laura S. Hunsberger.	:	Case No. 09-19566 (JHW)
	:	
	:	
Debtors.	:	Adversary No.
	:	
	:	The Honorable Judith H. Wizmur
Roberta A. DeAngelis	:	
United States Trustee,	:	
	:	
Plaintiff,	:	
vs.	:	
Joseph R. and Laura S. Hunsberger,	:	
	:	
Defendants.	:	
	:	

**COMPLAINT OBJECTING TO DISCHARGE UNDER 11 U.S.C. § 727**

Roberta A. DeAngelis, the United States Trustee, (“UST”), having a post office address at One Newark Center, Suite 2100, Newark, New Jersey 07102, by and through counsel, for her complaint objecting to the discharge of Joseph R. Hunsberger and Laura S. Hunsberger, respectfully alleges as follows:

**JURISDICTION AND VENUE**

1. This is an adversary proceeding brought pursuant to 11 U.S.C. § 727 and Federal Rule of Bankruptcy Procedure 7001.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and § 1334.

3. This is a core proceeding over which this Court has jurisdiction pursuant to 28 U.S.C. § 157(b)(2)(A), (I) and (J).

4. Venue is proper pursuant to 28 U.S.C. § 1409.

5. The UST has standing to bring this complaint pursuant to 11 U.S.C. § 307 and 28 U.S.C. § 586.

### **FACTUAL BACKGROUND**

6. On April 17, 2009, a voluntary joint Chapter 13 petition initiating the instant case was filed by Joseph R. Hunsberger and Laura S. Hunsberger. (“ the Defendants”) and assigned Case No 09-19566 (JHW).

7. The Social Security numbers of Joseph R. Hunsberger and Laura S. Hunsberger in Case No. 09-19566 (JHW) are listed respectively as xxx-xx-3638 and xxx-xx-1644.

8. On March 16, 2010, the Defendants voluntarily converted Case No. 09-19566 (JHW) from Chapter 13 to Chapter 7.

9. This Court’s records reflect that this is the second bankruptcy petition filed by Joseph R. Hunsberger and Laura S. Hunsberger in the District of New Jersey since July 5, 2001.

10. On July 5, 2001, a previous Chapter 7 case was filed under Joseph R. Hunsberger and Laura S. Hunsberger’s name that listed the same Social Security numbers of xxx-xx-3638 and xxx-xx-1644 and was assigned Case No. 01-16795 (JHW).

11. On October 15, 2001, the Defendants obtained an Order Discharging Debtor in Case No. 01-16795 (JHW).

**FIRST COUNT**  
**OBJECTION TO DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(8)**

12. The UST repeats and realleges each and every allegation contained in paragraphs 1 through 11 as if set forth herein at length.

13. For all cases filed after October 17, 2005, debtors are not entitled to receive a chapter 7 discharge if they received a Chapter 7 discharge in a case commenced within eight years before the date of the filing of the current petition.

14. As Joseph R. Hunsberger and Laura S. Hunsberger received a Chapter 7 discharge in a case filed on July 5, 2001, the Defendants are not eligible to receive a discharge in a case filed prior to July 5, 2009.

15. Upon information and belief, the Defendants, committed acts specified in 11 U.S.C. § 727(a)(8) as they received a discharge under § 11 U.S.C. 727 in a case commenced within eight years before the date of the filing of their current case.

WHEREFORE, the UST respectfully requests that this Court enter judgment in favor of the UST denying the discharge of Joseph R. Hunsberger and Laura S. Hunsberger under 11 U.S.C. § 727(a)(8), and providing for such other relief as is just.

ROBERTA A. DeANGELIS  
ACTING UNITED STATES TRUSTEE  
REGION 3

By: /s/ Jeffrey M. Sponder  
Jeffrey M. Sponder  
Trial Attorney

DATED: June 25, 2010